



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SDMS Document



116737

October 15, 2010

**VIA OVERNIGHT MAIL**

Christopher R. Gibson, Esq.  
Archer & Greiner, P.C.  
One Centennial Square  
Haddonfield, NJ 08033

Re: Raritan Bay Slag Site/Section 104 Request for Information

Dear Chris:

In accordance with our discussion on Wednesday, October 13, I am enclosing a revised 104e Request to NL Industries. Please note the changes to questions number 2, 3 and 9, limiting the scope of those questions to NL's foundry operations.

You indicated that you would accept this Request for Information on NL Industries' behalf. We also discussed extending the time to answer these questions to 30 days from the time of your receipt of this revised 104e Request. That is acceptable.

Thank you for your attention to this matter. Please contact me if you have any questions.

Very truly yours,

Frank X. Cardiello  
Assistant Regional Counsel  
USEPA - Region 2

**REQUEST FOR INFORMATION**

1. Answer the following questions regarding your Company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If your Company did business under more than one name, list each name.

- a. State the full legal name and mailing address of your Company;
- b. State the name and address of the president or the chairman of the board, or other presiding officers of your Company;
- c. Identify the state and year of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New Jersey;
- d. If your Company is a subsidiary or affiliate of another Company, or has subsidiaries, or is a successor to another Company, identify these related companies. For each related Company, describe the relationship to your Company and indicate the date and manner in which each relationship was established;

2. Describe any plants or facilities that your Company maintained in Perth Amboy, New Jersey and Sayreville, New Jersey between 1960 and 1980. Please include:

- a. the full legal name under which your Company operated at the facility(s) between 1960 and 1980.
- b. the street address of the plants or facilities;
- c. Lot(s) and Block(s) numbers;
- d. type of facility (e.g., manufacturing plant, factory, offices, warehouse.);
- e. the names and contact information of the following employees who worked at the

EPA REQUEST FOR INFORMATION IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

foundry operations of the facility(s), between 1960 and 1980:

- the plant managers;
- shift supervisors;
- plant engineers
- maintenance engineers

3. Describe the foundry operations conducted at NL Industries' Perth Amboy and Sayreville facility(s) from 1960 through 1980, including:

- a. nature of the various operations;
- b. types of processes conducted at the facility(s) (e.g., smelting, crushing, melting, etc.);
- c. materials or feed stock (whether raw materials or recycled materials) used in manufacturing or production processes;
- d. time frames during which the various manufacturing processes were conducted;
- e. the names and contact information for the plant managers and shift supervisors involved in the plant operations.

4. Do you have any reason to believe that any of the following may have been transported from any facility which was ever owned and/or operated by your Company, including any predecessor(s), subsidiary or division of your Company, and later disposed of at the Site. (Please provide a separate Yes or No answer to each of a through f, below):

- a. any hazardous substance;
- b. any slag;
- c. any solid waste of any type;
- d. any industrial waste;
- e. lead in any form( alone or in combination with any other metal(s); and

EPA REQUEST FOR INFORMATION IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

f. any combination of the above.

5. Do you have any reason to believe that any industrial waste or by-product, including slag, may have been transported from any facility ever owned and/or operated by your Company and later disposed of at any of the following locations:

- a. at the Site;
- b. anywhere in Old Bridge Township or Sayreville, Middlesex County, New Jersey;
- c. anywhere in or along the shoreline of Raritan Bay?

6. For each Yes answer to any of items 5.a through 5.c above, please provide the specific basis for your answer, including;

- a. the industrial waste or by-product that you believe may have been transported from your Company to the locations described in 5.a through 5.c. Include the common nomenclature or descriptive term of such waste or by-product (e.g., "furnace mattes," "lead bottoms," "slag," "off-specification product");
- b. chemical characterization or composition, quantities (by volume and/or weight), number of drums or containers, tons of slag, etc;
- c. Identify the facility from which the material was removed;
- d. the hazardous substances in such materials;
- e. the Company personnel and/or haulers involved and/or having any knowledge of any such shipment;
- f. the dates of such shipments; and
- g. all records relating to such shipments.

7. Do you have any reason to believe that any of the following may have entered the Site at any time (Please provide a separate Yes or No answer to each of a through d, below):

- a. a motor vehicle owned by your Company?

EPA REQUEST FOR INFORMATION IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

b. a motor vehicle which contained any industrial waste which originated at your Company?

c. any employee or manager of your Company?

d. any motor vehicle containing any "slag" (as defined herein) which may have come from any facility that was ever owned or operated by NL Industries in Perth Amboy or Sayreville, N.J.

8. Do you have any reason to believe that your Company ever arranged with any entity for the disposal of or for treatment and/or for transportation of any slag that may have later been disposed of at the Site? If Yes, please :

a. Provide the name of each entity with whom your Company had such arrangements and dates during which the arrangements were in effect;

b. Describe how each arrangement provided for the treatment, storage, or disposal of hazardous substances, hazardous wastes or industrial wastes;

c. Identify the hazardous substances, hazardous wastes or industrial wastes that were sent to the Site;

d. Identify each of your Company's facilities from which hazardous substances, hazardous wastes or industrial waste went to the Site; and

e. Provide copies of all documents relating in any way to each arrangement for transportation, sale, treatment, storage, or disposal of hazardous substances, hazardous wastes or industrial wastes at the Site.

9. Describe the process, arrangement or agreement that NL Industries' Perth Amboy and Sayreville facilities had with respect to the storage and/or the removal of waste or by-products from its foundry operations that were generated at the facilities between 1960 and 1980, including:

a. all flyers, bulletins, publications or other notices to contractors, developers or transporters;

b. all contracts and agreements or other communications with any parties.

10. Did your Company ever allow Liberty Trucking Company to remove any slag from any facility that was owned and/or operated by your Company in Perth Amboy or Sayreville, N.J.?

EPA REQUEST FOR INFORMATION IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

11. Describe in detail the nature of any current or past relationship between NL Industries, and/or its predecessor(s), successor(s) and/or any affiliated entity and Liberty Trucking, Inc., and its predecessors, successors or employees, and provide any documents related thereto.

12. State whether Amasi, Inc. or its predecessors or successors ever had ever had a business relationship with NL Industries. If yes, provide the describe in detail the nature of any current or past business relationship between NL Industries, Inc. and/or its predecessor(s), successors and/or any affiliated entity(ies) and Amasi Inc. and its predecessors and successors, and provide all records and documents related thereto.

13. EPA is aware that on or about March 1, 1971, NL Industries' Eastern Region Metals Division plant filed an Application for Certification to Conduct a Refuse Disposal Operation with NJDEP (See attached Application). Describe that operation or transaction in detail, including:

- a. the "storage/disposal area" on the plant site;
- b. the "solid waste materials" deposited, disposed or stored in the storage/disposal area;
- c. the "private contractors" engaged in the removal of "furnace matte" and "furnace slag."
- d. the "private contractors" engaged in the removal of the "crushed electric storage battery cases."
- e. Provide all records and documents related to a. - d., above.

14. Please provide copies of all records in your possession or control which relate to any transaction between your Company and Liberty Trucking Company and between your Company and Liberty Excavating Company. The term "all records," for the purposes of this question, includes all business records, all letters and all correspondence between the Company and these two Liberty Trucking entities.

EPA REQUEST FOR INFORMATION IN THE MATTER OF THE RARITAN BAY SLAG SUPERFUND SITE

15. Identify each individual who assisted or was consulted in the preparation of the response to this Request for Information and specify the question with which each such person assisted in responding.

16. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

17. Please provide copies of all records in your possession or control which relate in any manner to each and every Yes answer provided in response to any of the questions noted in Items 1, through 16., above.

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

State of \_\_\_\_\_

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this  
day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Notary Public